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JOHN ENGLER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING

K. L. COOL
DIRECTOR

December 6, 2002

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Mr. William E. Muno, Director
Superfund Division
U.S. Environmental Protection Agency, Region V
77 W. Jackson Blvd. (SR-6J)
Chicago, IL 60604

SUPERFUND DIVISION
OFFICE OF THE DIRECTOR

Dear Mr. Muno:

SUBJECT: Kalamazoo River CERCLA Site Feasibility Study

We have recently learned that the U.S. Environmental Protection Agency (EPA) will soon be drafting a feasibility study for remediation of the Kalamazoo River and are concerned about some of the information circulating about this study. As you may know, the mainstem segment of river is currently characterized by one operating and several retired hydropower dams, three of the latter of which are owned by the Department of Natural Resources (DNR), Wildlife Division. In addition to this direct property interest in the river, we are also the public trustee for the natural resources of this system, thus have a vested interest in any proposed EPA activities on this system.

For years the DNR has intended to remove our dams, and in fact performed a partial removal in 1988. We were unable to complete this task as decisions and actions to address PCB contaminated paper wastes in the impoundments above the dams have not been made to date. The condition of the dams has continued to deteriorate while the PCB concerns have been investigated and alternatives for their removal developed.

We do not know if you realize the scope of debate that has occurred over the years concerning the future of these dams. We have previously provided your office with records from our files concerning the Kalamazoo River, specifically relating to the three DNR-owned dams dating back to 1966, just prior to state acquisition. Our records demonstrate that the DNR, as owner and natural resources trustee, has had long-standing interest in removing these dams for many reasons, not the least of which is that they are failing. In addition, my staff participated in many Kalamazoo River meetings and workshops with the various interests for the last several years and they have always advocated for remediation planning that allows for and anticipates removal of the DNR-owned dams.

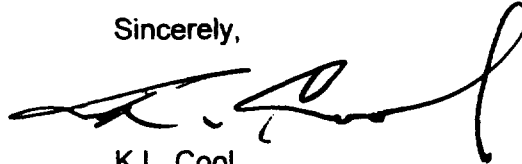
Our intentions have not changed, yet the future of the dams again appears to be part of a debate involving the EPA and the Kalamazoo River Study Group (the responsible parties). Some have suggested that these dams be retained to serve essentially as in-stream waste lagoons. We see this as a very short-sighted solution to handling this significant contaminant problem that only delays the removal of these materials and leaves long-term resource problems and health risks in place. It is simply poor public policy to leave such problems to future generations to deal with, assuming the dams are maintained for that long, when we can

solve the problem at this time. Thus, the only real solution is the complete removal of these materials from the system. As Director, let me stress that we cannot endorse a scenario that would convert one of the state's major river systems and all its public trust resources, into a "permanent" pollution disposal site in this way and we will actively oppose such a decision. The reality of this potential alternative is that it is not a permanent solution and will require constant inputs of capital for dam maintenance along with the high risk of catastrophic dam failure and sediment release.

I expect you will consult with this agency directly if you are seriously considering this approach since the ramifications are significant. Please be assured that the DNR is a willing partner in river restoration on the Kalamazoo. We want to work with the EPA and the responsible parties on a remedy that will do more than minimize the public exposure to contaminants for a relatively short period of time. We would like your help in establishing a healthier, safer, and more productive river, and in seeing a lasting remedy implemented.

Again, please don't hesitate to contact our spokesperson on this site, Ms. Sharon Hanshue of the Fisheries Division at 517-335-4058, or you may call my office at 517-335-4873.

Sincerely,



K.L. Cool
Director

cc: Mr. Robert Beck, President, Kalamazoo
River Watershed Council
Mr. Mark Brown, Kalamazoo River
Study Group
Mr. Russell J. Harding, Director
Department of Environmental
Quality (DEQ)
Mr. Jim Sygo, DEQ
Mr. George E. Burgoyne, Resource
Management Deputy, DNR
Ms. Rebecca Humphries, DNR
Mr. Kelley Smith, DNR